

## **Questions and Answers on MoVIP and Special Education**

### **1. How does a student enroll in MoVIP?**

There are two ways to enroll in MoVIP. As a dually enrolled student enrolled in both the local school district and MoVIP or as a parentally enrolled student.

If the student is dually enrolled in the local district and MoVIP they are treated as attending the local district. If the parent has chosen not to enroll the student in the local district they are a parentally enrolled student participating in a publicly funded educational/instructional program.

### **2. Can a child with a disability enroll in MoVIP?**

Yes. For students enrolled in the public school district the IEP team must determine that virtual education is appropriate for the student. Students not enrolled in the public district can be a full time student if the parent has determined that MoVIP is appropriate.

### **3. Does MoVIP have an obligation to provide FAPE to students enrolled full-time?**

No. For dually enrolled students the requirement to provide a Free and Appropriate Public Education (FAPE) rests with the district where the student is enrolled. MoVIP is a program intended to assist the district in providing FAPE. MoVIP has no obligation to provide FAPE to parentally enrolled students.

### **4. Does MoVIP have to comply with the special education laws?**

Yes, to the extent applicable to students who are enrolled in a public school district and accessing coursework to implement and Individualized Education Program (IEP). MoVIP must provide the modifications and accommodations in the curriculum to implement student IEPs.

### **5. Who prepares the Individualized Education Program (IEP) for special education students enrolled in MoVIP full-time?**

If the student is dually enrolled in a public school district and MoVIP the local school district prepares the IEP. If the student is not enrolled in the public school district they are a parentally enrolled student and an IEP is not needed.

Full-time MoVIP student enrolled in a district	District.
Full-time MoVIP not enrolled in a district	There is no IEP
Part-time MoVIP/part-time district school	District.
Part-time MoVIP/part-time private/home school	There is no IEP.

### **6. What if the local district refuses to develop the IEP?**

The local district will be out of compliance if it fails to develop an IEP for a child with a disability. HOWEVER there is no requirement that the IEP team find that the virtual school is an appropriate setting. Students who are not enrolled in the district are parentally enrolled students participating in a public instructional program. The local district is not required to prepare an IEP for those students, but they may be eligible for services under the proportionate share requirements of the IDEA.

**7. Who is responsible for modifications of an IEP of a full-time MoVIP student dually enrolled in a public school?**

The MoVIP contractor is required to implement the modifications of an IEP, but the local district is responsible for developing and revising/amending it.

**8. If a student is dually enrolled full-time in MoVIP and receives related services from the district who is responsible for preparing the annual IEP?**

The district, but MoVIP should be invited to participate in the IEP process.

**9. Who provides the special education or related services for a student dually enrolled full-time in MoVIP?**

As MoVIP is a virtual program there is no intent for it to provide services that require in person contact. Students enrolled in the district receive related services from the district. Students not enrolled in the district are parentally enrolled students who are not entitled to related services but may be able to receive some under the proportionate share requirement of the IDEA.

**10. How much of the IEP should be provided to MoVIP?**

At a minimum the district should provide the information that MoVIP needs to provide the modifications and accommodations to the regular education program.

**11. What is the status of part time MoVIP students?**

Students who are dually enrolled in a public district and MoVIP are public school students. Students who are not enrolled in a public school district taking courses from MoVIP and who are enrolled part time in a private school or who are home-schooled are private/nonpublic students.

**12. If a parent enrolls a student in MoVIP part-time and part-time in a private or home school, is that student entitled to special education services from the public school district?**

The student is not entitled to individualized special education services if enrolled in a private school or home schooled. Part-time enrollment by a parent in a private school or home school classifies the child as a private/nonpublic school student. The district where the private or home school is located has an obligation to identify the children with special needs in the district and to spend a proportionate share of the federal funding on special education for children enrolled in private schools. It is highly unlikely that an individual student will get a full range of special education services under the proportionate share requirement.

**13. If the IEP team determines that virtual school is the appropriate method to provide FAPE is the student guaranteed a free spot in MoVIP?**

Yes if the district IEP team has determined that a virtual school is the best way to provide FAPE the student will have a spot in MoVIP. If the state funded spots are all filled the local district, not the parent, will be required to pay tuition.

**14. If the IEP team does not support education at a virtual school and is prepared to provide FAPE at the school, but the parent prefers virtual school, can the student attend MoVIP?**

Yes, as a parentally enrolled student. The student would not be enrolled in the school district. If the state funded spots are full the student would have to pay tuition to attend. The local district has no obligation to provide individualized services to a parentally enrolled student.

**15. If the district and the parent disagree about the appropriateness of MoVIP classes and a parent enrolls the student in MoVIP is that a refusal of services? If so, does the district need to provide related services?**

Yes, it is a refusal of services and the district has no obligation to provide the other elements of the educational program offered in the IEP. If the student enrolls in MoVIP it is as a parentally enrolled student. The student is not entitled to individualized special education services. Related services, if any, would be provided through the proportionate share program of the district.

**16. What if a student comes in with an IEP that states MoVIP is not an appropriate placement?**

If the IEP states that MoVIP is not an appropriate placement the student would have to enroll as a parentally enrolled student. By enrolling in MoVIP as a parentally enrolled student the parent has refused the offer of services from the district. Parentally enrolled students are not entitled to individualized special education services from the district.

**17. For purposes of completing the IEP form is MoVIP considered a general/regular education classroom for purposes of determining % of time in/removed from the general/regular education classroom?**

Yes.

**18. Are there age requirements for the elementary and high school programs? Can students of one age take courses from another program?**

Younger students are permitted to take higher level courses. Older students wanting to take elementary classes may have credit issues. However, if an IEP team determines that the child needs a certain level of course work that is offered by MoVIP age should not matter.

**19. How is observation as a part of a special education evaluation by the IEP team handled for a student in MoVIP?**

It will need to be a paper review of work produced in consultation with teachers as there is no environment to observe.

**20. Is MoVIP a school district?**

No. MoVIP is publicly funded educational/instructional program not a school district. The language of 161.670 uses the term school district when talking about entities other than MoVIP. The statutory definition of school district is not applicable to MoVIP. See 160.011(1), (5), (10), (13) and 160.021 RSMo.

**21. Is MoVIP subject to MSIP reviews?**

Yes. 161.670 (4)

**22. Is MoVIP subject to IDEA compliance reviews?**

No. MoVIP is a program, not a local education authority (LEA) or a school. -

**23. Can an IDEA (special education) due process complaint be filed against MoVIP?**

No.